THE PROTECTION OF PILGRIMS ACT, 1887.

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BOMBAY ACT No. II OF 1887.[1]

[THE PROTECTION OF PILGRIMS ACT, 1887.]

[*4th June, 1887.*]

Repealed in part, by Act 14 of 1927.

" " " " " 20 of 1932.

Amended by Bom. 5 of 1915.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

" " " by the Adaptation of Laws Order, 1950.

An Act to provide for the protection of pilgrims at the ports of Bombay and Karachi.

WHEREAS it is expedient to provide for the protection of pilgrims at the ports of Bombay and Karachi ; It is enacted as follows :— Preamble.

1. This Act may be cited as " The Protection of Pilgrims Act, 1887 " Short title.

It extends only to the [2][city and port of Bombay]. Extent.

2. In this Act,— Definitions.

(*1*) " pilgrim " means a Muhammadan who is about to proceed from the port of Bombay [3]* * on a pilgrimage to the Hedjaz, whether he is going direct to Jeddah, or *via* any other part : " pilgrim "

(*2*) " pilgrim-broker " means a person who buys and resells, or sells on commission, or takes any reward for the purchase or sale of passage-tickets for pilgrims : " pilgrim-broker "

(*3*) " agent " includes a person who has chartered a vessel for the conveyance of pilgrims : " agent ".

[4][(*4*) " the Commissioner " means the Commissioner of Police, Bombay, or his deputy.] " the Commissioner ".

3. Any person who, without a licence from the Commissioner, acts as a pilgrim-broker shall be liable for each such offence to a fine which may extend to five hundred rupees. Penalty for acting as a pilgrim-broker without a licence.

4. Subject to the orders of the [5][Central Government], the Commissioner may grant to such persons as he thinks fit licences to act as pilgrim-brokers. Persons may be licensed to act as pilgrim-brokers.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1886, Pt. V, p. 11 ; for Report of the Select Committee, *see ibid*, p. 172 ; and for Proceedings in Council, *see ibid*, p. 89 and *ibid*, 1887, p. 15.

[2] These words were substituted for the words " cities and ports of Bombay and Karachi " by the Adaptation of Laws Order, 1950.

[3] The words " or Karachi " were omitted, *ibid*.

[4] Clause (*4*) was substituted for the original, *ibid*.

[5] The words " Central Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

The said licences shall be granted on such conditions and subject to such restrictions and limitations for the honest and good behaviour of the licensees as Government may from time to time prescribe

Licences what to specify.

5. Every licence so granted shall specify—

(*a*) the name and business-address of the licensee ;

(*b*) the period for which it is to be in force ;

(*c*) the conditions on which, and the restrictions and limitations subject to which, it is granted ;

and shall be granted on payment [1][to the Central Government] of such fee, if any, as [2][that Government] may from time to time direct :

[3][Provided that, until provision to the contrary is made by the [4][Parliament by law], all such fees shall be payable to the [5][State] Government under this section as were being lawfully taken thereunder immediately before the commencement of [6][the Constitution].]

Penalty for misbehaviour of licensed pilgrim-broker.

6. Any licensed pilgrim-broker who shall—

(*a*) commit a breach of any of the terms or conditions of his licence ;

(*b*) purchase for or sell to any pilgrim a passage-ticket by any vessel to which the provisions of the [7][[8]Pilgrim Ships Act, 1895], apply, at any time before notice has been given by the master, owner or agent of such vessel, under section [9][8] of the said Act, of the date on which it is proposed that such vessel shall sail, and unless, in the case of any vessel, the proposed date of sailing is printed on the passage-ticket ; XIV of 1895.

(*c*) charge a pilgrim more than the cost price of any passage-ticket, provisions or other articles purchased for him, or receive from him any fee or commission on account of such ticket ;

(*d*) receive from the master, owner or agent of a vessel any fee or commission in respect of the sale of any ticket, exceeding five per centum of the price of such ticket ;

(*e*) purchase for any pilgrim a passage-ticket, on which there is not printed the price charged by the master, owner or agent of the vessel for each class of accommodation ;

(*f*) by fraud or by false representation as to the size of, or accommodation on board, such vessels, or otherwise, or by any false pretence whatever, induce any person to purchase a passage-ticket ;

shall be liable for each such offence to a fine which may extend to five hundred rupees

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[1] The words "to the Central Government" were inserted by the Adaptation of Indian Laws Order in Council.

[2] The words "that Government" were substituted for the word "Government", *ibid.*

[3] This proviso was inserted, *ibid.*

[4] These words were substituted for the words "Central Legislature" by the Adaptation of Laws Order, 1950.

[5] This word was substituted for the word "Provincial", *ibid.*

[6] These words were substituted for the portion "Part III of the Government of India Act, 1935", *ibid.*

[7] These words were substituted for the words "Native Passenger Ships Act, 1876," by s. 2 of the Bombay Protection of Pilgrims (Amendment) Act, 1915 (Bom 5 of 1915).

[8] *See* now Act 21 of 1923.

[9] This figure was substituted for the word "seven" by s. 2 of the Bombay Protection of Pilgrims (Amendment) Act, 1915 (Bom. 5 of 1915).

Power to suspend and cancel licenses.

7. The Commissioner may suspend the licence of any pilgrim-broker pending inquiry into any accusation against him of misconduct for which, if proved, he would be liable to a penalty under the last preceding section, and may cancel any licence granted by him if the licensee is convicted of any offence under the said section or of any criminal offence.

8, 9 and 10. [*Repealed by Act 20 of 1932, section 24 (1).*]

11, 12, 12A and 12B [*Repealed by Act 14 of 1927, section 4.*]

Penalty for issue of tickets in excess.

13. Any master, owner or agent of any vessel carrying pilgrims, who shall issue any passage-ticket in excess of the number allowed by the certificate granted under section [1][11 of the [2]Pilgrim Ships Act, 1895], shall for every passage-ticket so issued be liable to a fine not exceeding four times the cost price of such ticket.

XIV of 1895.

Passage-tickets how to be numbered. Penalty for issue of tickets bearing same number.

14. All passage-tickets shall be numbered consecutively according to the order of issue; and any master, owner or agent, who shall issue two or more tickets bearing the same number, shall be liable to a fine not exceeding one thousand rupees.

Provisions of Pilgrim Ships Act, 1895, to apply to offences and penalties.

15. The provisions of sections [3][51, 52 and 54 of the [2]Pilgrim Ships Act, 1895], shall apply to all offences punishable, and to all penalties leviable, under this Act.

XIV of 1895.

Penalties to be enforced only at the instance of the Commissioner.

16. The penalties to which masters and owners of vessels are made liable by this Act shall be enforced only by information laid at the instance of the Commissioner.

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[1] These words and figures were substituted for the words and figures "ten of the Native Passenger Ships Act, 1876," by s. 6 of the Bombay Protection of Pilgrims (Amendment) Act, 1915 (Bom. 5 of 1915).

[2] *See* now Act 21 of 1923.

[3] These words and figures were substituted for the words and figures "thirty-nine, forty and forty-two of the Native Passenger Ships Act, 1876" by s. 7 of the Bombay Protection of Pilgrims (Amendment) Act, 1915 (Bom. 5 of 1915).